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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Case No. 3:25-cv-04737-RL

Plaintiffs,

## **STIPULATION AND [PROPOSED] ORDER**

VS.

Judge: Hon. Rita F. Lin

DONALD J. TRUMP, et al.,

## Defendants.

1 Pursuant to Civil Local Rule 7-12, Plaintiffs and Defendants (“the Parties”), through their  
 2 respective undersigned counsel, stipulate and agree as follows.

3 1. Pursuant to the schedule entered on July 2, 2025, Dkt. 60, Defendants produced  
 4 the administrative record for EPA, NSF, NEH, DOD, and DOT on September 2, 2025.

5 2. Today, September 8, 2025, is the deadline for Plaintiffs to submit a status report as  
 6 to whether Plaintiffs will move to augment the administrative. Dkt. 60. In preparation for that  
 7 filing, Plaintiffs identified for Defendants a number of perceived deficiencies in the record  
 8 produced thus far—including, *e.g.*, missing native files, redactions that Plaintiffs believe to be  
 9 overbroad and inconsistent, and the fact that Defendants still have not produced and the “actual  
 10 keywords used” to identify and select grants for termination, even though they were ordered to do so  
 11 in connection with the expedited discovery. *See* July 2, 2025, Hr’g Tr. at 15:10-11 (The Court: “I  
 12 will order as part of the expedited discovery the actual keywords used in any keyword search.”).

13 3. Defendants learned of Plaintiffs’ concerns this afternoon and have begun working  
 14 to address them. For example, Defendants provided today three native files referenced in the PDF  
 15 administrative record but inadvertently omitted in the production to Plaintiffs. Defendants also  
 16 noted that materials protected by the deliberative process privilege are not part of the  
 17 administrative record under *Blue Mountains Biodiversity Project v. Jeffries*, 99 F.4th 438 (9th Cir.  
 18 2024), and how that principle may be affecting the topics Plaintiffs have identified. Defendants  
 19 look forward to working with Plaintiffs to try and resolve the concerns they have raised and  
 20 believe the issues can be resolved without the need for briefing.

21 4. The Parties believe that further meet and confers may be productive to narrow the  
 22 scope of any potential disputes for resolution.

23 5. With that in mind, and in light of the Court’s directions at the August 26, 2025,  
 24 hearing, the Parties have agreed to the following revised schedule for further proceedings:

Event	Current deadline	Parties’ Stipulated Proposal
Defendants’ Opposition to Plaintiffs’ motion to add NIH	9/10/2025	9/10/2025

1	Plaintiffs' Reply re NIH	9/15/2025	9/15/2025
2	Hearing on pending motions re DOD/DOT/NIH	9/18/2025	9/18/2025
3	Administrative Record for NIH	NA	10/24/2025
4	Status Report re Administrative Record	9/8/2025	10/31/2025
5	MSJ / Class Cert	10/10/2025	12/22/2025
6	Opp. MSJ / Class Cert	11/7/2025	2/6/2026
7	Reply MSJ / Class Cert	11/21/2025	2/20/2026
8	Hearing	12/16/2025	Court's convenience

10 THEREFORE, IT IS HEREBY STIPUALTED AND AGREED, by and between the  
 11 Parties, subject to the Court's approval, that the schedule shall be modified as reflected above.  
 12

13 Dated: September 8, 2025

14 By: /s/ Kevin Budner

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1 Date: September 8, 2025

2 By: /s/ Jason Altabet

3 Respectfully submitted,

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6 Civil Division

7 ERIC J. HAMILTON  
8 Deputy Assistant Attorney General

9 JOSEPH E. BORSON  
10 Assistant Branch Director

11 /s/ Jason Altabet  
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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September \_\_\_\_\_, 2025

4 \_\_\_\_\_  
5 The Honorable Rita F. Lin  
6 UNITED STATES DISTRICT JUDGE  
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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(I)(3)**

I, Kevin R. Budner, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

DATED: September 8, 2025

*/s/ Kevin R. Budner*  
Kevin R. Budner

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